



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**State Rail Authority**

120 Water Plant Drive, Moorefield, West Virginia 26836  
(304) 538-2305 • TDD: (800) 742-6991 • FAX: (304) 538-7474

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Cabinet Secretary

November 9, 2012

23363

Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

ENTERED  
Office of Proceedings  
NOV 16 2012  
Part of  
Public Record

Re: STB Docket No. AB-55 (Sub-No. 625X)  
Substitution of Trail User, Preston County, West Virginia

Dear Ms. Brown:

This letter serves as acceptance by the West Virginia State Rail Authority to become the trail user for the Cheat River Trail in Preston County, West Virginia. The State Rail Authority also agrees to the requirements listed in the attached "Statement of Willingness to Assume Financial Responsibility."

The WV State Rail Authority has agreed to become owners of the portion of the property that will be used as an interim rail trail. We will enter into an agreement with the Friends of the Cheat when the sale of the property is completed and they will maintain the property for interim trail usage.

Please feel free to contact me at 304-538-2305 ext. 223 if you have any questions.

Sincerely,

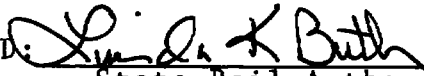
Lucinda K. Butler, Director

Cc: Amanda J. Pitzer, Friends of Cheat  
Bill Robinson, DOT Division of Highways

## Statement of Willingness To Assume Financial Responsibility

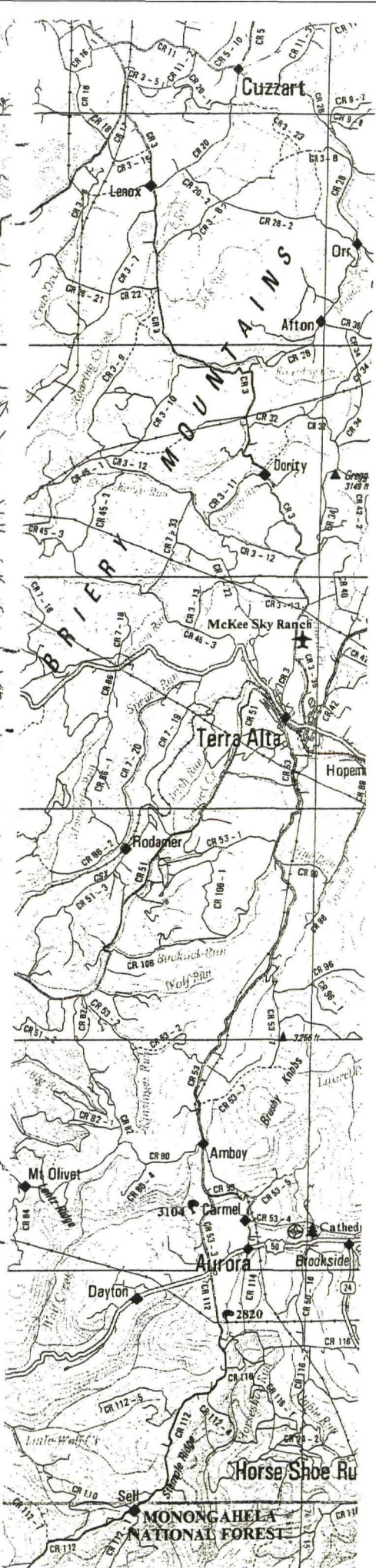
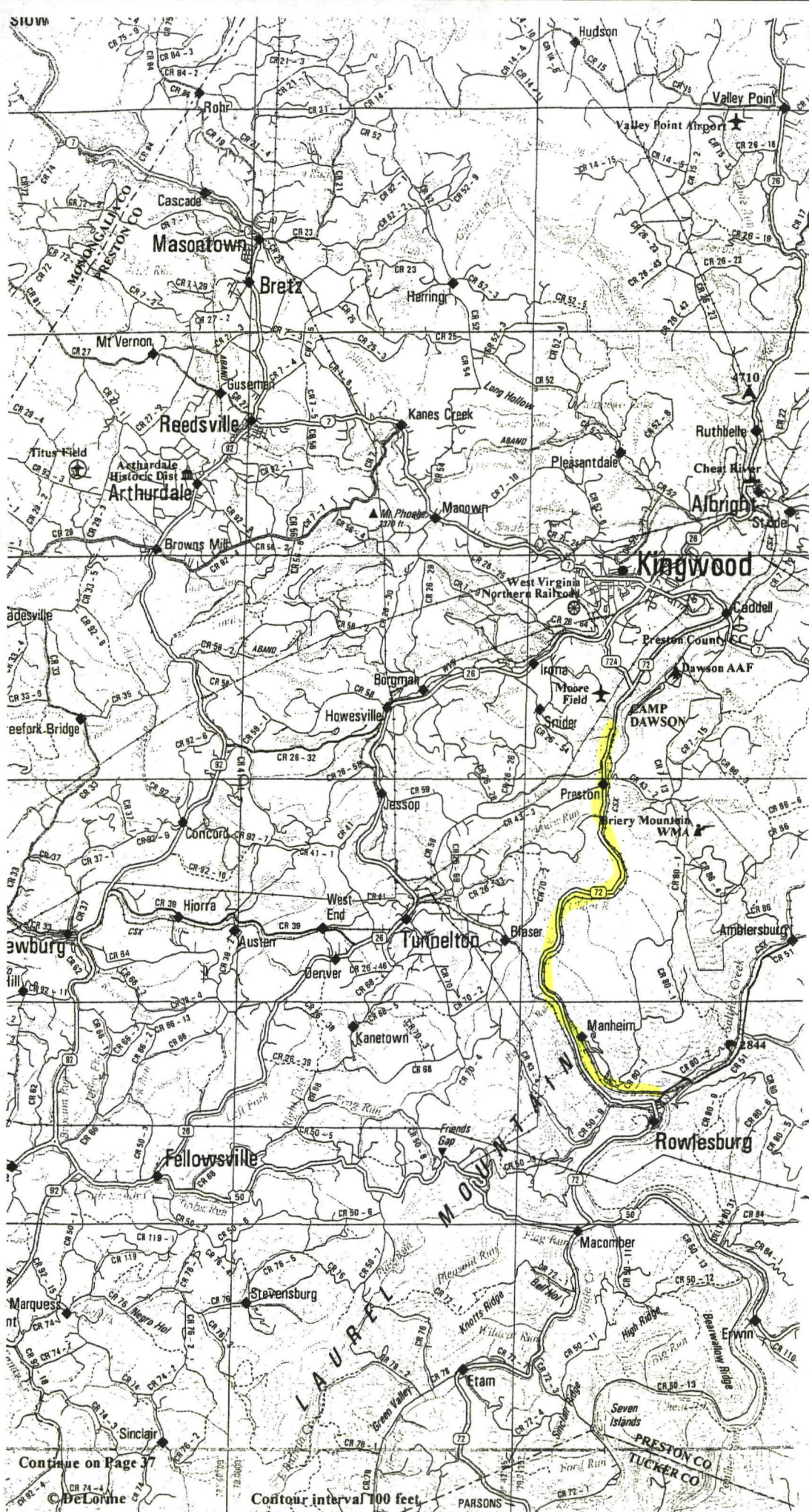
In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, West Virginia State Rail Authority, is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation, Inc., and operated by CSX Transportation, Inc. The property, known as Cheat River Line, extends from railroad milepost 3.00 near Manheim, West Virginia, to milepost 9.78 near Preston, West Virginia, a distance of 6.78 miles in Preston County, West Virginia. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55 (Sub-No. 625X). A map of the property depicting the right-of-way is attached. West Virginia State Rail Authority, acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on CSX Transportation, Inc., on the same date it is being served on the Board.

ACCEPTED:



State Rail Authority  
Executive Director





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Contour interval 100 feet

PARSONS

PRESTON CO  
TUCKER CO

MONONGAHELA  
NATIONAL FOREST